

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

PAMELA JO POLEJEWSKI,

Plaintiff,

vs.

CASCADE COUNTY OFFICIALS,
JOHN AND JANE DOE,

Defendant.

CV 21-120-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on December 7, 2021. (Doc. 3). Judge Johnston recommended that the action should be REMANDED to the Montana Eighth Judicial District Court, Cascade County, for further proceedings. *Id.* at 2.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Plaintiff Pamela Polejewski filed a Notice of Removal on December 6, 2021. (Doc. 2). Judge Johnston found that Polejewski's removal as a plaintiff was improper because the right to remove a state court case to federal court is limited to defendants. *American International Underwriters (Philippines), Inc. v. Continental Insurance Company*, 843 F.2d 1253, 1260 (9th Cir. 1988). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. The action be REMANDED to Montana Eight Judicial District Court, Cascade County, for further proceedings.

DATED this 4th day of January, 2022.



Brian Morris, Chief District Judge
United States District Court